

SPECIAL TOWN MEETING

**2009
WARRANT**



**TOWN OF TEWKSBURY
COMMONWEALTH OF MASSACHUSETTS**

Finance Committee Public Hearing

September 23, 2009 7:00 p.m.
Town Hall Auditorium

Special Town Meeting

October 6, 2009 7:00 p.m.
Tewksbury Memorial High School

TOWN MEETING GUIDELINES

- ** Voters and Visitors shall have their identification ribbons conspicuously displayed.
- ** Visitors shall sit in the designated VISITORS SECTION unless they are assigned to a designated area.
- ** Standing at the doors or in the aisles inside the gymnasium or auditorium is prohibited.
- ** No one shall enter the gymnasium or auditorium while voting is in progress.
- ** Everyone shall be at a seat so as to allow the vote to be counted without hindrance.
- ** Collecting signatures upon petitions or nomination papers is prohibited in the building where the Town Meeting is being held.
- ** Food and beverages are not allowed in the gymnasium or auditorium as per order of the School Committee.
- ** Smoking is not allowed in the School Building or on School Property.
- ** To prevent active interference with the conduct of the Town Meeting, any person taping, video taping or using any other means of sonic reproduction is assigned to the designated Press Table or the side aisle perimeters of the gymnasium or auditorium.

This meeting is being held at a site which is physically accessible to persons with disabilities.

For further information please call 978-640-4355.

CART services need to be requested as early as possible, as CART providers often fill their schedule 2-3 months in advance. Other reasonable accommodations for disability related needs will be provided upon request.

Middlesex, ss.

To any of the Constables of the Town of Tewksbury, in said County:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Tewksbury, qualified to vote in Town affairs, to meet and assemble at Tewksbury Memorial High School, 320 Pleasant Street, in said Tewksbury on Tuesday, October 6, 2009, at 7:00 p.m. to act on the following articles:

ARTICLE 1

To see if the Town will vote to approve the sum of \$2,780.30 to pay outstanding bills of a previous fiscal year and that to raise this appropriation the Town will vote to transfer \$1,756.60 from Fire-Operating to Fire- Unpaid Bills and transfer \$1,023.70 from Recreation-Operating to Recreation-Unpaid Bills or take any related action.

Fire-Operating	Constellation NewEnergy	\$1,322.89
	National Grid	\$ 54.08
	Home Depot	\$ 46.23
	Staples	\$ 122.93
	Napa of Tewksbury	\$ 210.47
Recreation-Operating	Tewksbury Paint & Hardware	\$ 48.70
	Prescription Turf	<u>\$ 975.00</u>
	Total	\$2,780.30

Town Manager

Executive Summary: According to Massachusetts General Laws bills that are late must be approved by Town Meeting before payment. This article authorizes the charges to be paid and allows a transfer from the FY10 budget to cover the amount.

ARTICLE 2

To see if the Town will vote to transfer the following sums or take any action related thereto:

FROM:		TO:	
Town –Unemployment	\$20,000	BOS Legal	\$20,000
Total	\$20,000	Total	\$20,000
			Town Manager

Executive Summary: This article is a regular Special Town Meeting article where the Town transfers funds from accounts with a projected surplus to accounts with a projected deficit.

ARTICLE 3

To see if the Town will vote to amend its action taken at the May 6, 2009 Annual Town Meeting under Article 4 by changing the following line items:

School Department Unclassified

Change Debt Service from \$1,793,379 to \$771,049 (Decrease of \$1,022,330)

Change Sub-total School Department from \$44,042,327 to \$43,019,997

Change Total School Department from \$48,798,635 to \$47,776,305

Unclassified

Change Maturing Debt from \$914,070 to \$930,080 (Increase of \$16,010)

Change Interest-Maturing Debt from \$352,874 to \$296,699 (Decrease of \$56,175)

Change Total Unclassified from \$2,022,147 to \$1,981,982

Transfers

Change To Sewer Fund from \$322,947 to \$302,898 (Decrease of \$20,049)

Change Total Transfer from \$322,947 to \$302,898

Totals

Change Total Budget Before Transfers from \$75,689,061 to \$74,626,566

Change ATM Total General Fund Budget from \$76,012,008 to \$74,929,464

Or take any action relative thereto.

Town Manager

Executive Summary: This article changes budget line items previously voted at the May 6, 2009 Annual Town Meeting to take into account the debt refinancing that was done in May, 2009. Eligible debt from 1996-1999 was refinanced at lower interest rates saving the Town close to \$1,000,000 (including water and sewer) over the remaining life of the debt. As part of the refinancing the Town received \$6,807,182 from the MA School Building Authority in advance of scheduled payments through 2017 which paid off the remaining Ryan School principal and interest.

ARTICLE 4

To see if the Town will vote to amend its action taken at the May 6, 2009 Annual Town Meeting under Article 5 by changing the following appropriation line items:

Expenses

Change Lowell Sewer from \$678,000 to \$828,000 (Increase of \$150,000)

Change Principal-Maturing Debt from \$2,672,098 to \$2,682,088 (Increase of \$9,990)

Change Interest-Maturing Debt from \$3,407,852 to \$3,375,515 (Decrease of \$32,338)

Change Total from \$8,013,174 to \$8,140,827

Change Total Expenses from \$8,735,266 to \$8,862,919

Or take any action relative thereto.

Town Manager

Executive Summary: This article changes budget lines items previously voted at the May 6, 2009 Annual Town Meeting to take into account the debt refinancing that was done in May, 2009 which resulted in savings to the Sewer Enterprise Fund of \$148,318 over the remaining life of the bonds and to increase the Lowell Sewer budget by \$150,000 to cover an anticipated increase due to higher flow. The source of revenue for the Lowell Sewer increase is sewer connection fees.

ARTICLE 5

To see if the Town will vote to amend its action taken at the May 6, 2009 Annual Town Meeting under Article 6 by changing the following appropriation line items:

Expenses

Change Principal-Maturing Debt from \$1,532,805 to \$1,536,904 (Increase of \$4,100)

Change Interest-Maturing Debt from \$444,132 to \$514,435 (Increase of \$70,303)

Change Total from \$4,481,564 to \$4,555,966

Change Total Expenses from \$5,637,289 to \$5,711,691

Or take any action relative thereto.

Town Manager

Executive Summary: This article changes budget lines items previously voted at the May 6, 2009 Annual Town Meeting to take into account the debt refinancing that was done in May, 2009 which resulted in savings to the Water Enterprise Fund of \$136,490 over the remaining life of the bonds. In addition this article changes the Interest-Maturing Debt account by adding \$97,490 to correct an addition error made when the original article was written. The source of funding for the error correction is water rates.

ARTICLE 6

To see if the Town will vote to raise and appropriate and transfer \$250,000 from the general fund to the Town's stabilization fund or take any action relative thereto.

Town Manager

Executive Summary: This article transfers the FY2010 projected excess levy capacity to the Town's general stabilization fund. Moving these funds into the stabilization fund will provide a cushion if additional cuts are made in state aid during FY2010 or be available to help balance the FY2011 budget.

ARTICLE 7

To see if the Town will vote to appropriate the sum of \$100,000 to be expended by the Town Manager for the purpose of replacing the roof on the Town Hall Annex building, including the payment of all costs incidental and related thereto and to determine whether such amount should be raised by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing, or take any other action relative thereto.

Motion: That the Town hereby appropriates the sum of \$100,000 to pay for the cost of replacing the roof on the Town Hall Annex building and for the payment of all other costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectmen, is hereby to borrow said sum under and pursuant to Chapter 44 Section 7 (3A) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Town Manager

Executive Summary: This article will allow the Town to borrow funds to replace the roof and on the Town Hall Annex building. The roof was not replaced when the Annex was renovated in 1999 and needs to be replaced now as there are numerous leaks in all areas of the building.

ARTICLE 8

To see if the Town will vote to appropriate the sum of \$150,000 to be expended by the Town Manager for the purpose of making alternative energy improvements to the Town Hall Annex building, including the payment of all costs incidental and related thereto and to determine whether such amount should be raised by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing, or take any other action relative thereto.

Motion: That the Town hereby appropriates the sum of \$150,000 to pay for the cost of making alternative energy improvements to the Town Hall Annex building and for the payment of all other costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectmen, is hereby to borrow said sum under and pursuant to Chapter 44 Section 7 (3B) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Town Manager

Executive Summary: This article will allow the Town to borrow funds to install solar energy on the Town Hall Annex building. This is being done as proposed by the Town's Green Committee.

ARTICLE 9

To see if the Town will vote to appropriate \$250,000 from the Community Preservation Fund's Budgeted Reserve Account for the project's next phase, the development of design plans for the preservation and rehabilitation of Town Hall to be expended by the Town Manager, as proposed by the Town Hall Building Committee and recommended for adoption by the Community Preservation Committee.

Community Preservation Committee

Executive Summary: This article would appropriate \$250,000 from existing funds in the Budgeted Reserve Account within the Community Preservation Fund for the next phase in the development of design plans for the preservation and rehabilitating this historic property. Town Hall is the symbolic center of town government. It was originally constructed and dedicated as a "Memorial of civic pride and public spirit of the people of Tewksbury". It serves its residents both current and future, through the provision of services. The proposed project honors the historic significance of the structure, while looking forward to serving future residents. The condition of this facility is near the point of being uninhabitable and being condemned.

ARTICLE 10

To see if the Town will vote to appropriate \$50,000 from the Community Preservation Fund's Historic Preservation Reserve Account to be expended by the Town Clerk to recover, preserve and protect Town records and archives as proposed by the Town Clerk. This project is recommended for adoption by the Community Preservation Committee.

Community Preservation Committee

Executive Summary: This article would appropriate \$50,000 from existing funds in the Historic Preservation Reserve Account within the Community Preservation Fund for the preservation and protection of Town records and archives. Part of this project is to fund recovery of 225.5 cubic feet of damaged documents due to water damage and high humidity in the Town Hall at an estimated cost of \$19,165.00. The proposed project also includes proactive document storage measures as recommended by the New England Document Center and the State Board of Library Commissioners. The preservation of town historical records and archives is a State mandate as well as a community need.

ARTICLE 11

To see if the Town will vote to appropriate \$15,000 from the Community Preservation Fund's Budgeted Reserve Account to be expended by the Town Manager to clean-up and fence-off an existing State Hospital Cemetery which is on a portion of the land to be transferred to the Town, subject to the Tewksbury State Hospital and State Division of Asset Management transfer of land known as the Saunders Recreational Facility to the Town of Tewksbury. This project is proposed by the Town Manager, Acting Under Charter as the Recreation Commissioner and is recommended for adoption by the Community Preservation Committee.

Community Preservation Committee

Executive Summary: This article would appropriate \$15,000 from existing funds in the Budgeted Reserve Account within the Community Preservation Fund for the cleaning-up and fencing-off of an existing State Hospital Cemetery subject to the transfer of the Saunders Recreation Facility land from the State to the Town of Tewksbury. The perimeter of the State Hospital Cemetery to be fenced is approximately 1000 feet. The State has requested that a plan for this remedial action be in place in consideration of the land transfer. The benefits of this project are to secure the transfer of the land to the Town for recreational use, and to preserve and protect the historic cemetery.

ARTICLE 12

To see if the Town will vote to appropriate \$120,000 from the Community Preservation Fund's Open Space Reserve Account to be expended by the Town Manager subject to a successful Clean Water Act, Section 319 Grant Award of up to \$225,000 for implementation of approximately 25 of the 164 restorative and protective action locations (BMPs) as described in the 2008 Long Pond Study. The Grant requires a 40% match and the set aside of these CPA funds will allow the Town to apply for the Grant. The total project cost would be up to \$375,000 with \$30,000 from in kind services and possibly our Town's Wetland Protection Fund. This project is proposed by the Town Manager, Acting Under Charter as the Recreation Commissioner and is recommended for adoption by the Community Preservation Committee.

Community Preservation Committee

Executive Summary: This article would appropriate \$120,000 from existing funds in the Open Space Reserve Account within the Community Preservation Fund for 25 restorative and protective actions in the area surrounding Long Pond. The project and the appropriation of the CPA funds are subject to a successful 319 Grant award of up to \$375,000. This project is a follow-up to the 2008 Long Pond Study that was commissioned by the Community Preservation Committee. Improving the water quality at Long Pond will benefit current and future residents of the Town by potentially adding recreational elements as well as improving the pond's natural functions.

ARTICLE 13

To see if the Town will vote to appropriate \$58,500 from the Community Preservation Fund's Open Space Reserve Account to be expended by the Tewksbury Conservation Commission to purchase open space land adjacent to the Shawsheen River on Bridge Street of approximately 4.8 +/- acres as described as Assessors Map 98 Lot 234.

Said parcel to be managed and controlled by the Conservation Commission of the Town in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes.

The Conservation Commission be authorized to file on behalf of the Town any and all applications deemed necessary under any other applications for funds or grants in any way connected with the scope of this acquisition and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including the conveyance of a perpetual conservation restriction in accordance with M.G.L Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town to affect said purchase.

Said conservation restriction may be granted to the Conservation Commission or any other organization qualified and willing to hold such restriction. This project is proposed by the Conservation Commission and is recommended for adoption by the Community Preservation Committee.

Community Preservation Committee

Executive Summary: The passage of this article would allow for the purchase and protection of 4.8 acres of unbuildable land that has 800 feet of frontage on the Shawsheen River at Bridge Street. The Conservation Commission has submitted an Energy and Environmental Affairs Division of Conservation Services, Land Grant Program application which would match 60% of the purchase price through the State's Department of Conservation Services. This action will increase the Commission's control and protection of land along the Shawsheen River. The Town's Open Space and Recreation Plan (OSRP) recognizes the significance of the Shawsheen River to our Town's cultural and historic heritage, while it is the most under used and under protected scenic watershed area of the town. The number one goal of the OSRP is to "Preserve and protect the rivers, brooks, ponds, wetlands, and floodplains in Tewksbury" with the objective: "Acquire/protect additional land along the ... Shawsheen River and other waterways through easement or acquisition, to ensure future protection of riparian areas."

ARTICLE 14

To see if the Town will vote to amend the Personnel By-Laws, Section III (e) Salaries and Wages, by deleting from Group C:

Property Reviewer

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
18,1676	19,006	20,0280	21,0269	22,882	23,1747

and inserting in Group B:

Property Reviewer

Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
37,934	39,811	41,818	43,904	46,120	48,389

or take any other action relative thereto.

Town Manager
Director of Finance
Chief Assessor

Executive Summary: This article changes the position of Property Reviewer from Temporary Part-time to Permanent. There is no change in the hourly rate. It is anticipated that this position will replace one Permanent Full-time position and one Temporary Part-time position in the Assessors' Office.

ARTICLE 15

To see if the Town will vote to amend the Personnel By-Law Section III (e) salaries and wages by adding a new position to the Schedule, as follows:

Alternate Building Inspector (temporary part-time, hourly)

Hourly rate of \$30.00

Or take any other action relative thereto.

Town Manager

Executive Summary: The Building Department has been reduced from 3 full-time inspectors in 2003 to 1 full-time inspector. The creation of this position will allow for the appointment of an Alternate Building Inspector that can serve in the absence of the Building Commissioner due to vacation, illness or other time away from the job.

Town Manager

Executive Summary: This article will allow the Town and the Commonwealth to perfect a transfer of the land at the Livingston Recreation Fields that was authorized by a Special Act of the General Court, Chapter 497, 1967. Both Town Meeting and the General Court took the necessary legislative action for this transfer, but the deed was never recorded. The Division of Capital Asset Management has requested that this action take place for clear title to the recreation fields.

ARTICLE 17

To see if the Town will vote to amend its action taken at the May 9, 2007 Special Town Meeting under Article 8 relating to the borrowing for the remodeling, reconstructing and making additions to and extraordinary repairs to the Senior Center under Chapter 44 Section 7 (3A) of the Massachusetts General Laws by rescinding the borrowing authorization of \$350,000 or take any action relative thereto.

Town Manager

Motion: That the Town hereby votes to rescind the authorization of \$350,000 approved at the May 9, 2007 Special Town Meeting relating to the borrowing for the remodeling, reconstructing and making additions to and extraordinary repairs to the Senior Center under Chapter 44 Section 7 (3A) of the Massachusetts General Laws.

Executive Summary: This article will rescind the previously voted borrowing authorization for \$350,000 relating to the Senior Center. The original authorization was voted with the expectation that the funds would be used for a bridge loan if certain state grant funds were not received. The Town received \$600,000 in grant funds for the project and the additional borrowing authorization will not be needed.

ARTICLE 18

To see if the Town Meeting will vote to amend its action taken under Article 17 of the May 6, 2009 Annual Town Meeting by adding the following language in the motion – “The use of Pension Obligation Bonds may increase the potential losses associated with pension fund investments. The Commonwealth is not responsible for any losses incurred by a municipality due to the issuance of Pension Obligation Bonds or for any increase in unfunded actuarial accrued liability due to deficient investment returns” or take any action relative thereto.

Town Manager

Executive Summary: This article adds the language that is required by the Commonwealth of MA Executive Office for Administration and Finance for a community to issue Pension Obligation Bonds. In May, 2009 Town Meeting authorized the Town to borrow up to \$5,000,000 to pay off our Early Retirement Incentive through the Middlesex Retirement System.

ARTICLE 19

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 82, Section 23, as amended, and other applicable statutes, to accept the laying out of particular town ways by order of the Board of Selectmen as follows:

TOWN OF TEWKSBURY BY ORDER OF THE BOARD OF SELECTMEN ROADWAY LAYOUT

A certain parcel of land situated in Tewksbury, Middlesex County, Massachusetts and shown as "Ames Run" on a plan entitled "Street Acceptance Plan, Prospect Hill Drive, Ames Run, North Street and Catamount Road, Tewksbury, Massachusetts prepared for Ames Hill Development, LLC, 1880 Main Street, Tewksbury, MA 01876 dated July 31, 2009 by Cuoco & Cormier Engineering Associates, Inc." and being more particularly bounded and described as follows:

Beginning at a drill hole on the easterly sideline of North Street, being 807 feet more or less, southeast of a stone bound on the easterly sideline of said North Street, thence; easterly by a curve to the left having a radius of 30.00 feet more or less, a distance of 48.92 feet more or less to a stone bound on the northerly sideline of Prospect Hill Drive, to a stone bound, thence; N 47°17'40" E, a distance of 319.87 feet more or less to a stone bound, thence; northeasterly by a curve to the left having a radius of 125.00 feet more or less, a distance of 165.11 feet more or less to a stone bound, thence; N 28°23'03" W, a distance of 700.94 feet more or less to a stone bound, thence; northerly by a curve to the right having a radius of 275.00 feet more or less a distance of 52.75 feet more or less to a stone bound, thence; N 17°23'37" W, a distance of 482.49 feet more or less to a stone bound, thence; northeasterly by a curve to the right having a radius of 205.00 feet more or less, a distance of 224.31 feet more or less to a stone bound, thence; northerly by a curve to the left having a radius of 25.00 feet more or less, a distance of 20.70 feet more or less to a stone bound, thence; easterly by a curve to the right having a radius of 60.00 feet more or less, a distance of 127.26 feet more or less to a stone bound, thence; N 54°00'00" E, a distance of 128.16 feet more or less to a stone bound, thence; S 33°47'32" E, a distance of 50.04 feet more or less to a stone bound, thence; S 54°00'00" W, a distance of 126.23 feet more or less to a stone bound, thence; westerly by a curve to the right having a radius of 60.00 feet more or less, a distance of 121.81 feet more or less to a stone bound, thence; southwesterly by a curve to the left having a radius of 25.00 feet more or less, a distance of 28.09 feet more or less to a stone bound, thence; southwesterly by a curve to the left having a radius of 150.00 feet more or less, a distance of 156.79 feet more or less to a stone bound, thence; S 17°23'37" E, a distance of 482.49 feet more or less to a stone bound, thence; southerly by a curve to the left having a radius of 225.00 feet more or less, a distance of 43.16 feet more or less to a stone bound, thence; S 28°23'03" E, a distance of 700.94 feet more or less to a stone bound, thence; southwesterly by a curve to the right having a radius of 175.00 feet more or less, a distance of 231.15 feet more or less to a stone bound, thence; S 47°18'22" W, a distance 45.08 feet more or less to a stone bound, thence; S 47°17'40" W, a distance of 281.37 feet more or less to a stone bound, thence; southwesterly by a curve to the left having a radius of 30.00 feet more or less, a distance of 45.33 feet more or less to a stone bound on the Easterly side line of said North Street, the last 21 courses being along said Prospect Hill Drive, thence; N 39°17'00" W along said North Street, a distance of 110.19 feet more or less to a stone bound at the Point of beginning. Meaning and intending to describe the Right of Way of Prospect Hill Drive, shown as Lot 357, Land Court Plan 27170-22.

The layout plan is filed at the Office of the Town Clerk and Community Development; and said plan is referred to for more particular description and to authorize the said Board of Selectmen to take by eminent domain, an easement, or in fee, or take any other action relative thereto.

Town Manager
Community Development Director

Executive Summary: The purpose of this article is to accept Prospect Hill Drive as a public way (town street).

ARTICLE 20

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 82, Section 23, as amended, and other applicable statutes, to accept the laying out of particular town ways by order of the Board of Selectmen as follows:

TOWN OF TEWKSBURY
BY ORDER OF THE BOARD OF SELECTMEN
ROADWAY LAYOUT

A certain parcel of land situated in Tewksbury, Middlesex County, Massachusetts and shown as “Meade Street Extension” on a plan entitled “Street Acceptance, Meade Street Ext, Tewksbury, Mass prepared for L & P Properties, LLC, Deed Reference L.C. Cert #35980 dated November 10, 2005 by Troy, Mede & Associates.”

The layout plan is filed at the Office of the Town Clerk and Community Development; and said plan is referred to for more particular description and to authorize the said Board of Selectmen to take by eminent domain, an easement, or in fee, or take any other action relative thereto.

Town Manager
Community Development Director

Executive Summary: The purpose of this article is to accept Meade Street Extension as a public way (town street).

ARTICLE 21

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 82, Section 23, as amended, and other applicable statutes, to accept the laying out of particular town ways by order of the Board of Selectmen as follows:

TOWN OF TEWKSBURY BY ORDER OF THE BOARD OF SELECTMEN ROADWAY LAYOUT

A certain parcel of land situated in Tewksbury, Middlesex County, Massachusetts and shown as "Minuteman Way" on a plan entitled "Roadway As Built Plan & Profile, Sta.0+00, - Sta.7+50 Minuteman Way, Tewksbury, MA prepared for Gerald & Sandra Trull, 411 River Road, Tewksbury, MA 01876 dated June 28, 2004 by Cuoco & Cormier Engineering Associates, Inc." and being more particularly bounded and described as follows:

Beginning at a railroad spike set on the southerly sideline of River Road at land now or formerly of Beatrice & Marsh, said point being the northwesterly corner of the herein described parcel, thence; easterly along said River Road by a curve to the right having a radius of 903.42' a length of 12.70', more or less, to a point, thence; S 77° 55' 29" E along said River Road a distance of 82.90', more or less, to a stone bound set, thence; southwesterly along a curve to the left having a radius of 25.00' a length of 42.09', more or less, to a drill hole set, thence; S 05° 36' 31" W a distance of 41.15', more or less, to a railroad spike set, thence; southeasterly along a curve to the left having a radius of 155.00' a length of 27.72', more or less, to a stone bound set, thence; S 04° 38' 22" E a distance of 410.19', more or less, to a stone bound set, thence; southeasterly along a curve to the left having a radius of 40.00' a length of 45.31', more or less, to a stone bound set, thence southeasterly, southerly, westerly, and northerly along a curve to the right having a radius of 55.00' a length of 266.74', more or less, to a stone bound set, thence; northerly along a curve to the left having a radius of 40.00' a length of 23.02', more or less, to a stone bound set, thence; N 04° 38' 22" W a distance of 34.73', more or less, to a stone bound set, thence; S 85° 21' 38" W a distance of 63.03', more or less, to a stone bound set a land nor or formerly of Middleton, thence; N 05° 44' 10" W, along said Middleton land now or formerly of Dulgarian, a distance of 156.91', more or less, to a iron pipe found, thence; N 84° 30' 10" E, along said Dulgarian land, a distance of 60.00', more or less, to a stone bound set, thence; N 05° 15' 30" W, along said Dulgarian land and said Beatrice & Marsh Land, a distance of 367.00', more or less, to the point of beginning. Said parcel contains 45,675 SF (1.05 acres), more or less. Meaning and intending to describe the parcel depicted as Minuteman Way on a plan entitled "Map 40 / Parcel 4, Definitive Subdivision Plan, Mill Hill Park Subdivision, River Road, Tewksbury, Massachusetts", by Cuoco & Cormier Eng. Assoc., Inc., dated April 4, 2001 (Rev. June 7, 2001), for Gerald & Sandra Trull and recorded as M.N.D.R.D. Book 206, Plan 72

The layout plan is filed at the Office of the Town Clerk and Community Development; and said plan is referred to for more particular description and to authorize the said Board of Selectmen to take by eminent domain, an easement, or in fee, or take any other action relative thereto.

Town Manager
Community Development Director

Executive Summary: The purpose of this article is to accept Minuteman Way as a public way (town street).

ARTICLE 22

To see if the Town will vote to accept the provisions of Chapter 80, Section 13B of the Mass. General Laws, or take any other action relative thereto.

Board of Assessors

Executive Summary: Acceptance will allow for deferral of betterment assessments by qualified elderly homeowners.

ARTICLE 23

To see if the Town will vote to transfer \$298,163 from General Fund Free Cash to the Other Post Employment Benefits Stabilization Fund or take any action related thereto.

Town Manager

Executive Summary: This Stabilization Fund is being used to accumulate funds to be applied towards the Town's obligation for health care to retirees. Beginning in FY 2009 the Town will be required to calculate and report the actuarial liability relating to benefits for retirees. Having funds set aside for this purpose helps to reduce the liability. The \$298,163 represents funds received by the Town in FY2009 as a Federal subsidiary relating to Medicare Part D.

ARTICLE 24

To see if the Town will vote to accept Chapter 32B Section 20 of the Massachusetts General Laws which authorizes the Town to establish an “Other Post Employment Benefits (OPEB) Liability Trust Fund” or take any action relative thereto.

Town Manager

Executive Summary: This article allows the Town to establish an OPEB Trust Fund to account for appropriations made to cover the unfunded actuarial liability of health care and other post-employment benefits for its retirees. Reimbursements received by the Town from the federal Medicare program for covering retiree drug costs (Medicare Part D) may also be credited to the fund. The unfunded actuarial liability will be determined by an actuary every two years.

ARTICLE 25

To see if the Town will vote to amend Section 7500 Open Space Residential Design (OSRD) Special Permit of the Tewksbury Zoning Bylaw by deleting and adding the following language:

7544. SITE SPECIFIC DESIGN STANDARDS

DELETE:

b. Affordable Housing Requirement.

An application for an Open Space Residential Design Special Permit shall be subject to the Affordable Housing Requirements of Section 7010 of the Town of Tewksbury Zoning Bylaws. Such application shall require that at least ten (10) percent of the total Dwelling Units be established as Affordable Housing Units (7013.a) in perpetuity. Total Dwelling Units shall mean the Basic Maximum Number from the Determination of Yield. Dwelling Units in addition to this number achieved through density bonus provisions (7544.f.) of this bylaw shall not be subject to the ten (10) percent requirement of this section. The calculation of the number of affordable units shall be rounded to the next whole number for units equal to 0.5 or greater. (Reference 7014 a.1.)

AND ADD:

b. Affordable Housing Requirement.

An application for an Open Space Residential Design Special Permit shall be subject to the Affordable Housing Requirements of Section 7010 of the Town of Tewksbury Zoning Bylaws as follows:

Ten Percent Rate with matching Density Bonus:

Such application shall require that at least ten (10) percent of the total Dwelling Units be established as Affordable Housing Units (7013.a) in perpetuity.

Total Dwelling Units shall mean the Basic Maximum Number from the Determination of Yield. Dwelling Units in addition to this number achieved through density bonus provisions (7544.f.) of this bylaw shall not be subject to the ten (10) percent requirement of this section.

The calculation of the number of affordable units shall be rounded to the next whole number for units equal to 0.5 or greater.

For each Affordable Housing Unit provided as required under this section, one market rate unit shall be added to the Basic Maximum Number of Dwelling units. This bonus unit shall not be subject to the Affordable Housing Requirement. (Reference 7014 a.1.)

In 7544. SITE SPECIFIC DESIGN STANDARDS

DELETE:

f. Increases in Permissible Density

An increase in the Basic Maximum Number of Housing Units shall be allowed according to the following:

1. For every additional one (1) dwelling unit, above the Basic Maximum Number restricted to an affordable housing unit in perpetuity, as defined in 7013.a. one (1) additional market rate dwelling unit may also be added as a density bonus; provided, however, each development shall be allowed one additional market rate unit for one Affordable Housing Unit above the Basic Maximum Number as a density bonus, or, a 15% maximum density bonus over the Basic Maximum Number, whichever is greater.
2. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed 25% of the Basic Maximum Number.

AND ADD:

f. Increases in Permissible Density

An increase in the Basic Maximum Number of Housing Units shall be allowed according to the following:

1. For every additional one (1) dwelling unit, above the Basic Maximum Number and the Affordable Housing Requirement, 7544.b., restricted to an affordable housing unit in perpetuity, as defined in 7013.a. one (1) additional market rate dwelling unit may also be added as a density bonus; provided, however, each development shall be allowed one additional market rate unit for one additional Affordable Housing Unit above the Basic Maximum Number as a density bonus, or, a 15% maximum density bonus over the Basic Maximum Number, whichever is greater.
2. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded upon findings of significant benefit relating to the Purpose and Intent of the OSRD Special Permit are found as determined by the Planning Board, provided, however, that this density bonus shall not exceed 15% of the Basic Maximum Number.

Tewksbury Planning Board

EXECUTIVE SUMMARY: The adoption of the first part of this article will keep the 10% Affordable Requirement in the OSRD Special Permit, but will add, to our existing OSRD bylaw, one market rate dwelling as a density bonus. The second part of this article will clarify the language of the existing Open Space density bonus and reduce the maximum bonus from 25% to 15%. These changes will provide additional incentive for the use of this bylaw. The Purposes and Intent of the OSRD are to promote efficiency in road layout, preserve Open Space, decrease burden on the municipal economy and lessen stormwater runoff better than conventional subdivision design and Cluster subdivision development.

ARTICLE 26

To see if the Town will vote to amend the Tewksbury Zoning Bylaw and the Zoning Map by adding the following Section 8640 to the Zoning Bylaw and adding the overlay map described below to the Town's Zoning Map:

8640 Village Mixed-Use Overlay District

8641. Purpose: The purposes of the Village Mixed-Use Overlay District (VMOD) shall be the same purposes as described in the 8601, Town Center Overlay District, in its entirety.

8642. Boundaries: The boundaries of the VMOD shall be as shown on the Town of Tewksbury Town Center Overlay Map, on file at the office of the Town Clerk.

8643. Relationship to existing Zoning: The relationship to existing zoning shall be the same as described in the Town Center Overlay District, in its entirety.

8644. Use Regulations and Definitions: The following uses are allowed in the VMOD subject to the requirements outlined in these VMOD regulations, and provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

1. Residential Uses (as a component of a mixed-use development):
 - a. Multifamily¹
 - b. Artist Lofts: All or a portion of a building that has been converted into an artist's workspace and living area.
 - c. Assisted living facilities²

2. Government, Institutional and Public Service Uses:
 - a. Municipal
 - b. Educational
 - c. Religious
 - d. Public or Private Utility Facilities
 - e. Post Office
 - f. Recreation

3. Business Uses
 - a. Retail Store, not exceeding 7,500 sq. ft. of gross floor area per individual establishment.
 - b. Professional Offices, not exceeding 10,000 sq. ft. of gross floor area per individual office establishment
 - c. Financial Services/Bank
 - d. Restaurant, fast food, general or limited service, not exceeding 4,000 sq. ft. of gross floor area. The square footage requirement does not include a patio or outdoor seating area operated in connection with an indoor-service restaurant
 - e. Hotel, Inn²

¹ As defined in Section 7100 of the Tewksbury Zoning Bylaw

² As defined in Section 10000 of the Tewksbury Zoning Bylaw

- f. Bed and Breakfast²
 - g. Lodge or Club (Membership)²
 - h. Personal Services²
 - i. Artist or Craftsman Studio: Commercial space utilized to create, design, and fabricate sculptures, statues, furniture, structures and other art forms.
 - j. Commercial Recreation, Indoor²
 - k. Parking Facility: A public or private parking area or structure that is open to shelter or storage of motor vehicles by residents, customers and employees for permitted uses in the VMOD..
 - l. Day Care Facility²
 - m. Performance Theater: A building or structure designed for theatrical and other staged entertainment services.
 - n. Museum: A depository for collecting and displaying objects having scientific, historical or artistic value for the purposes of education, study and enjoyment.
 - o. Art Gallery: A room or series of rooms where works of art are exhibited.
4. Mixed use development: A single building with the ground floor used primarily for retail, commercial, service or office and the upper floor(s) used for residential use.

8645. Prohibited Uses. Any use not listed above is to be considered prohibited. Adult use establishments are not allowed for any use in the VMOD district.

8646. Site Plan Special Permit. All uses and structures in the VMOD are subject to a Special Permit and Site Plan Special Permit from the Planning Board in accordance with Sections 9300 and 9400 of the Zoning Bylaw. In addition to the requirements of these sections, all design criteria of Village Mixed-Use Design Guidelines. The Planning Board shall be the Special Permit Granting Authority.

8647. Concept Plan. Prior to the application for approval of any special permit for a CNOD, a preliminary plan called for purposes of this Section 8600 a "Concept Plan", shall be filed for review with the Planning Board. The submitted Plan shall be consistent with the provisions of TCOD 8607 a. through e.

To attain the goals of the VMOD, collaborative development proposals involving more than one property owner are encouraged where appropriate. In such cases, it is recommended that a Combined Concept Plan be submitted to the Planning Board with the initial project application, detailing the specific elements of the proposed project, outlining the impacts of the overall project, and identifying responsibilities of each property owner. The Combined Concept Plan should describe: the uses proposed, the layout and size of the project, potential impacts to the environment, access and transportation impacts, water and sewer needs, and economic impacts. The Planning Board encourages creative and collaborative efforts promoting the Purpose and the Design Guidelines of VMOD, such as, but not limited to: shared and off-site parking, pedestrian walkways, lighting and other such amenities.

8648. Dimensional Requirements.

Buildings within the VMOD shall conform to the following requirements:

Minimum Lot Area	10,000 square feet
Minimum Frontage	50 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setbacks	Combined- 10 feet
Minimum Side Yard Setback when abutting a residential district	50 feet
Minimum Rear Setback	15 feet
Minimum Rear Setback when abutting a residential district	50 feet
Maximum Building Height	2.5 stories or 35 feet

8649. Special Provisions. The following special provisions apply to all development within the VMOD:

1. The minimum separation between two or more buildings on the same lot shall be 20 feet.
2. The Planning Board may modify all dimensional requirements outlined in Section 8648, and 8649.1. if, in its opinion, such modifications will result in improved design that is in keeping with Section 8641 above.
3. Frontage and Access – The Planning Board may, as part of the special permit, reduce lot frontage for a development that provides consolidated or shared access to site access, for two or more adjoining parcels, subject to a legally enforceable agreement or restriction in a form acceptable to the Planning Board and approved by Town Counsel.
4. The Zoning Board of Appeals shall not grant a variance of any use not allowed under Section 8645, nor grant a variance from any 8648 Dimensional Requirements or 8649 Special Provisions.

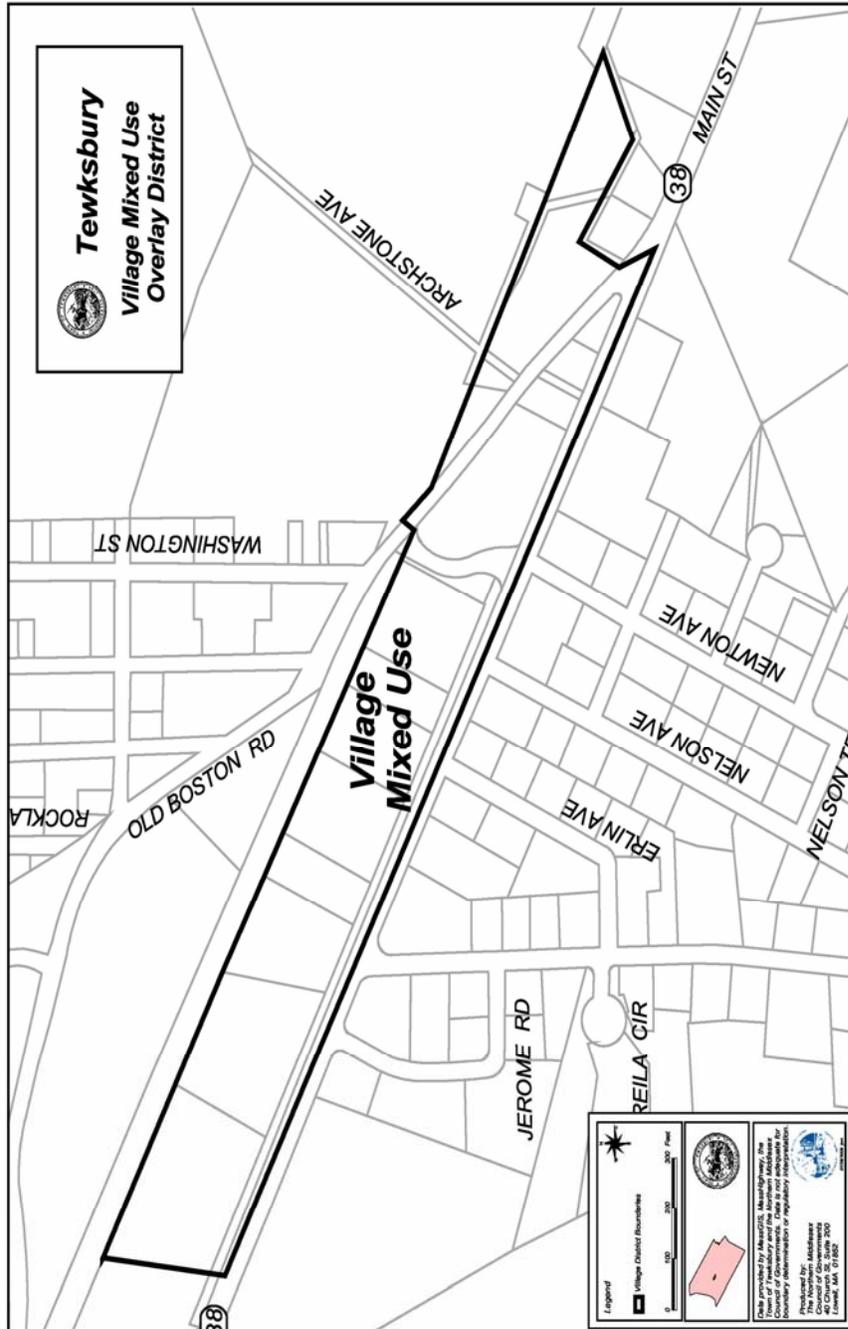
8650. Parking Requirements. The parking requirement for any use in the VMOD shall be the same as in the underlying zoning classification. The Planning Board may reduce the required number of parking spaces in the VMOD based on the following considerations:

- a. The availability of shared parking on another property. The Board may require a shared parking agreement to be submitted as part of the application for development.
- b. The availability of public transportation.

8651. Criteria for Granting VMOD Special Permit. In addition to the Criteria and considerations for actions by the Planning Board in Sections 9300 and 9400 of the Zoning

Bylaw, the Planning Board shall determine that the site proposal and density of uses on the proposal shall promote the Purposes of this VMOD bylaw and shall take into consideration the same criteria as set forth in the Town Center Overlay District 8611.

8652. Special Permit Conditions - The Planning Board may impose such conditions, safeguards and limitations as it deems appropriate to protect the neighborhood or the Town including, but not limited to same conditions as set forth in the Town Center Overlay District 8612.



Tewksbury Planning Board

Executive Summary: The adoption of this article will implement a new zoning overlay district moving northwest along Main Street from the Town Center Overlay District which was approved at the Spring 2009 Special Town Meeting. This Village Mixed-Use Overlay District recognized the existing commercial nature of the land described above and allows for this as well as other uses, while underlying zoning rights remain intact. This action was a recommended implementation step of Town of Tewksbury Master Plan endorsed at the 2004 Annual Town Meeting. The overlay district bylaw and design guidelines emphasize the highest quality of architectural and site design in development, increase the economic incentive for new investment and redevelopment by providing mixed-use opportunities. Design guidelines and accompanying overlay map are available at the Town Clerk's Office and Department of Community Development.

ARTICLE 27

To see if the Town will vote to amend the Tewksbury Zoning Bylaw and the Zoning Map by adding the following Section 8620 to the Zoning Bylaw and adding the overlay map described below to the Town's Zoning Map:

8620 Village Residential Overlay District

8621. Purpose: The purposes of the Village Residential Overlay District (VROD) shall be the same purposes as described in the 8601, Town Center Overlay District, in its entirety.

8622. Boundaries: The boundaries of the VROD shall be as shown on the Town of Tewksbury Town Center Overlay Map, on file at the office of the Town Clerk.

8623. Relationship to existing Zoning: The relationship to existing zoning shall be the same as described in the Town Center Overlay District, in its entirety.

8624. Use Regulations and Definitions: The following uses are allowed in the VROD subject to the requirements outlined in these VROD regulations, and provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

5. Residential Uses (as a component of a mixed-use development):
 - d. Multifamily³
 - e. Artist Lofts: All or a portion of a building that has been converted into an artist's workspace and living area.
 - f. Assisted living facilities⁴

6. Government, Institutional and Public Service Uses:
 - g. Municipal
 - h. Educational
 - i. Religious
 - j. Public or Private Utility Facilities
 - k. Post Office
 - l. Recreation

7. Business Uses
 - p. Retail Store, not exceeding 1,200 sq. ft. of gross floor area per individual establishment.
 - q. Professional Offices, not exceeding 2,400 sq. ft. of gross floor area per individual office establishment
 - r. Financial Services/Bank
 - s. Restaurant, fast food, general or limited service, not exceeding 1,200 sq. ft. of gross floor area. The square footage requirement does not include a patio or outdoor seating area operated in connection with an indoor-service restaurant
 - t. Hotel, Inn²
 - u. Bed and Breakfast²
 - v. Lodge or Club (Membership)²
 - w. Personal Services²

¹ As defined in Section 7100 of the Tewksbury Zoning Bylaw

⁴ As defined in Section 10000 of the Tewksbury Zoning Bylaw

- x. Artist or Craftsman Studio: Commercial space utilized to create, design, and fabricate sculptures, statues, furniture, structures and other art forms.
 - y. Day Care Facility²
 - z. Museum: A depository for collecting and displaying objects having scientific, historical or artistic value for the purposes of education, study and enjoyment.
 - aa. Art Gallery: A room or series of rooms where works of art are exhibited.
8. Mixed use development: A single building with the ground floor used primarily for retail, commercial, service or office and the upper floor(s) used for residential use.

8625. Prohibited Uses. Any use not listed above is to be considered prohibited. Adult use establishments are not allowed for any use in the VROD district.

8626. Site Plan Special Permit. All uses and structures in the VROD are subject to a Special Permit and Site Plan Special Permit from the Planning Board in accordance with Sections 9300 and 9400 of the Zoning Bylaw. In addition to the requirements of these sections, all design criteria as described in the Village Residential Design Guidelines. The Planning Board shall be the Special Permit Granting Authority.

8627. Concept Plan. Prior to the application for approval of any special permit for a VROD, a preliminary plan called for purposes of this Section 8600 a "Concept Plan", shall be filed for review with the Planning Board. The submitted Plan shall be consistent with the provisions of TCOB 8607 a. through e.

To attain the goals of the VROD, collaborative development proposals involving more than one property owner are encouraged where appropriate. In such cases, it is recommended that a Combined Concept Plan be submitted to the Planning Board with the initial project application, detailing the specific elements of the proposed project, outlining the impacts of the overall project, and identifying responsibilities of each property owner. The Combined Concept Plan should describe: the uses proposed, the layout and size of the project, potential impacts to the environment, access and transportation impacts, water and sewer needs, and economic impacts. The Planning Board encourages creative and collaborative efforts promoting the Purpose and the Design Guidelines of VROD, such as, but not limited to: shared and off-site parking, pedestrian walkways, lighting and other such amenities.

8628. Dimensional Requirements.

Buildings within the VROD shall conform to the following requirements:

Minimum Lot Area	10,000 square feet
Minimum Frontage	50 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setbacks	Combined- 10 feet
Minimum Side Yard Setback when abutting a residential district	50 feet

Minimum Rear Setback	15 feet
Minimum Rear Setback when abutting a residential district	50 feet
Maximum Building Height	2.5 stories or 35 feet

8629. Special Provisions. The following special provisions apply to all development within the VROD:

The minimum separation between two or more buildings on the same lot shall be 20 feet.

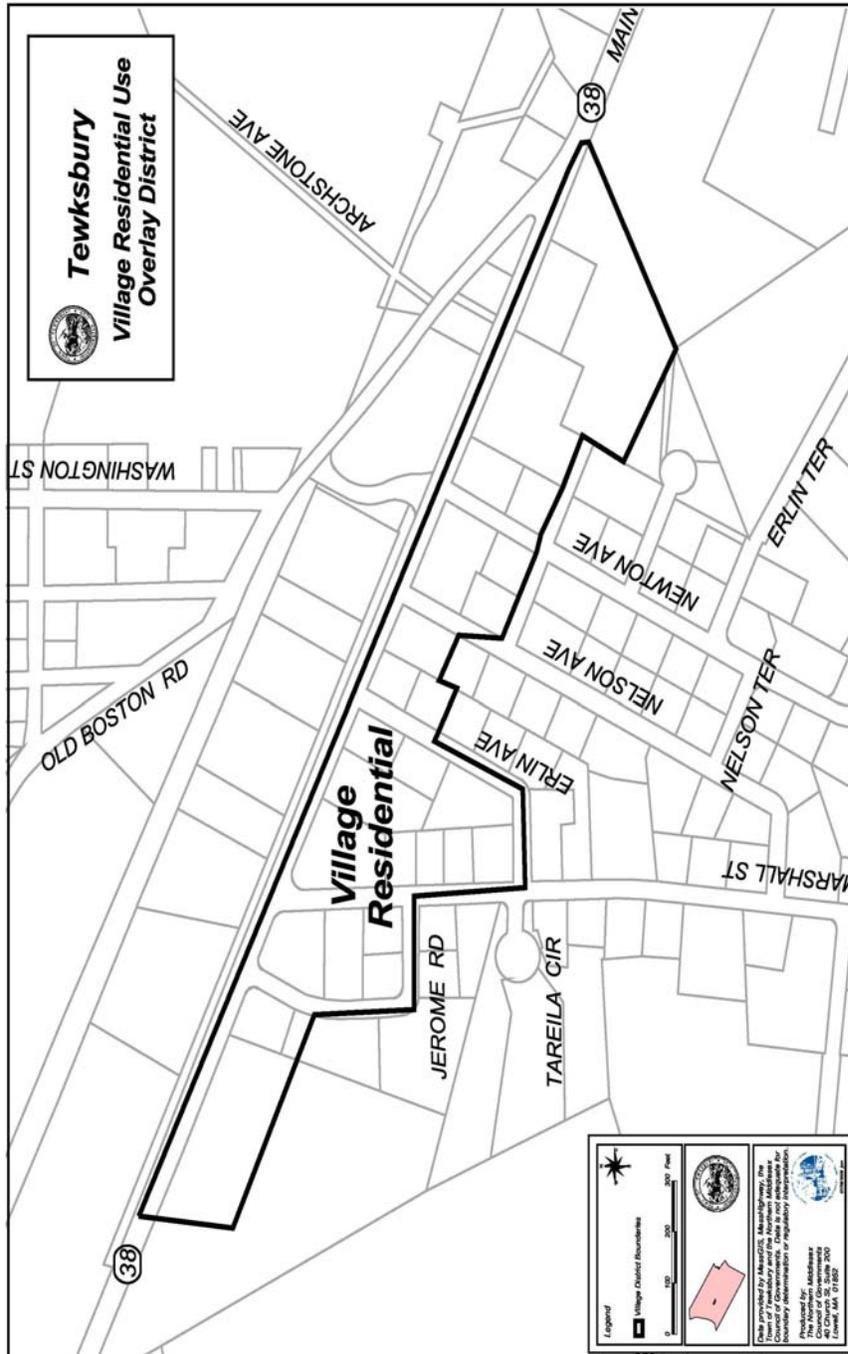
5. The Planning Board may modify all dimensional requirements outlined in Section 8628, except Maximum Building Height of 2.5 stories or 35 feet, and 8629.1. if, in its opinion, such modifications will result in improved design that is in keeping with Section 8621 above.
6. Frontage and Access – The Planning Board may, as part of the special permit, reduce lot frontage for a development that provides consolidated or shared access to site access, for two or more adjoining parcels, subject to a legally enforceable agreement or restriction in a form acceptable to the Planning Board and approved by Town Counsel.
7. The Zoning Board of Appeals shall not grant a variance of any use not allowed under Section 8625, nor grant a variance from any 8628 Dimensional Requirements or 8629 Special Provisions.

8630. Parking Requirements. The parking requirement for any use in the CSOD shall be the same as in the underlying zoning classification. The Planning Board may reduce the required number of parking spaces in the VROD based on the following considerations:

- c. The availability of shared parking on another property. The Board may require a shared parking agreement to be submitted as part of the application for development.
- d. The availability of public transportation.

8631. Criteria for Granting VROD Special Permit. In addition to the Criteria and considerations for actions by the Planning Board in Sections 9300 and 9400 of the Zoning Bylaw, the Planning Board shall determine that the site proposal and density of uses on the proposal shall promote the Purposes of this VROD bylaw and shall take into consideration the same criteria as set forth in the Town Center Overlay District 8611.

8632. Special Permit Conditions - The Planning Board may impose such conditions, safeguards and limitations as it deems appropriate to protect the neighborhood or the Town including, but not limited to same conditions as set forth in the Town Center Overlay District 8612.



Planning Board

Executive Summary: The adoption of this article will implement a new zoning overlay district moving northwest along Main Street from the Town Center Overlay District which was approved at the Spring 2009 Special Town Meeting. This Village Residential Overlay District recognized the existing residential nature of the land described above and allows for this as well as other uses, while underlying zoning rights remain intact. This action was a recommended

implementation step of Town of Tewksbury Master Plan endorsed at the 2004 Annual Town Meeting. The overlay district bylaw and design guidelines emphasize the highest quality of architectural and site design in development, increase the economic incentive for new investment and redevelopment by providing mixed-use opportunities. Design guidelines and accompanying overlay map are available at the Town Clerk's Office and Department of Community Development.

ARTICLE 28

To see if the Town will vote to reauthorize the Town Manager to solicit license agreements for the lease of Town land, buildings, structures known as Town of Tewksbury Food Pantry located on the land on Whipple Road where the Public Works Department is located for the operation of a food pantry to serve Tewksbury residents and for a period of up to ten years and that said solicitation shall follow the other requirements of Massachusetts General Laws, Chapter 30B or take any related action.

Town Manager

Executive Summary: The Tewksbury Food Pantry has been leasing Town property to operate their program. Under State Law, Town Meeting must authorize the Town to continue to provide the opportunity to lease the property for such a program.

ARTICLE 29

To see if the Town will vote to authorize the Town Manager to solicit license agreements for the lease of Town land, buildings, structures known as Poplar Street wellfields for the installation of wireless and cellular communication equipment, buildings, structures, and appurtenances for a period of up to ten years and that said solicitation shall follow the other requirements of Massachusetts General Laws,

Chapter 30B or take any related action.

Town Manager

Executive Summary: This will allow the Town to lease a portion of land on this parcel for the construction of wireless facilities.

ARTICLE 30

To see if the Town will vote to authorize the Town Manager to solicit license agreements for the lease of Town land, buildings, structures known as Chandler Street wellfields for the installation of wireless and cellular communication equipment, buildings, structures, and appurtenances for a period of up to ten years and that said solicitation shall follow the other requirements of Massachusetts General Laws,

Chapter 30B or take any related action.

Town Manager

Executive Summary: This will allow the Town to lease a portion of land on this parcel for the construction of wireless facilities.

ARTICLE 31

To see if the Town will vote to reauthorize the Town Manager to solicit license agreements for the lease of Town land, buildings, structures known as Town of Tewksbury Dog Pound located on Pond Street for the installation of wireless and cellular communication equipment, buildings, structures, and appurtenances for a period of up to ten years and that said solicitation shall follow the other requirements of Massachusetts General Laws, Chapter 30B or take any related action.

Town Manager

Executive Summary: This will allow the Town to lease again or lease for the first time a portion of land on this parcel for the construction of wireless facilities.

ARTICLE 32

To see if the Town will vote to raise and appropriate the sum of \$26,000.00 for the design and construction, and for reconstruction of sidewalks and roadways on a portion of River Road from Trull Brook to the Town line with Andover as shown on the plan entitled "River Road Transportation Improvement Project" dated February 7, 2009, prepared by Vanasse Hangen Brustlin, Inc. The Town Manager is authorized to expend these sums on behalf of the Town to acquire any fee, easement, or other interest in land by purchase, gift or otherwise, and that to raise this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44 Section 7(5), of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, and that the Town Manager be authorized to apply for, accept and expend any federal, state or other grants that may be available for the projects, or take any action relative thereto. A copy of the plan may be viewed at the Department of Public Works, Engineering Division, 999 Whipple Road Whipple Road.

Town Manager

Executive Summary: This will allow the Selectmen to obtain the necessary easements for the roadway reconstruction on River Road.

ARTICLE 33

To see if the Town will vote to authorize the Town Manager to solicit agreements for the lease of Town land, buildings, structures known as Police Station for the installation of wireless and cellular communication equipment, buildings, structures, and appurtenances for a period of up to ten years and that said solicitation shall follow the other requirements of Massachusetts General Laws,

Chapter 30B or take any related action.

Town Manager

Executive Summary: This will allow the Town to lease a portion of land on this parcel for the construction of wireless facilities.

ARTICLE 34

To see if the Town will vote to authorize the Town Manager to solicit agreements for the lease of Town land, buildings, structures known as Easement Road wellfields for the installation of wireless and cellular communication equipment, buildings, structures, and appurtenances for a period of up to ten years and that said solicitation shall follow the other requirements of Massachusetts General Laws,

Chapter 30B or take any related action.

Town Manager

Executive Summary: This will allow the Town to lease a portion of land on this parcel for the construction of wireless facilities.

And you are directed to serve the within Warrant by posting up true and attested copies thereof upon the Town Hall and in each precinct, fourteen (14) days at least before the time of holding said meeting; also, leaving at least 500 copies at the Town Hall or at such convenient places as the Selectmen shall think proper in said Town of Tewksbury.

HEREOF, FAIL NOT, AND MAKE DUE RETURNS OF THIS WARRANT, with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 18th day of August in the Year of Our Lord, Two Thousand and Nine.

BOARD OF SELECTMEN

Todd R. Johnson, Chairman

Anne Marie Stronach, Vice Chairman

Scott Wilson, Clerk

David H. Gay

Douglas W. Sears

IMPORTANT INFORMATION FOR TRASH AND RECYCLING

On July 1, 2009 The Town of Tewksbury started the automated solid waste collection throughout the Town. Thank you for your patience on this matter. Below are some frequently asked questions regarding trash and recycling.

Trash out BEFORE 7 AM

The barrel should be placed in an unobstructed area so that the mechanical arm can reach it.

- The lid should be completely closed.
- All trash bags that do not allow the lid to close are considered extra trash bags. You have to contact Allied Waste at 800-442-9006 to arrange for a pickup. The cost is \$5.00 per sticker per bag.
- **ONLY Allied Waste 800-442-9006 sells the stickers for each bag.**
- Bulk Pickup – for example old furniture, rugs (rolled) need to be called into Allied Waste free of charge for a pickup.
- White Goods – for example televisions, computer monitors, water heaters, tires, or other metal items – you need to call Appliance Recyclers 1-877-228-2898 for a pickup. There is a cost associated.

Recycle out BEFORE 7AM on your recycling day

- Recycling should be at least 6 feet away from your trash toter.
- Commingled – Glass, Aluminum Metal Cans, & Plastics (1-7) in one container.
- Paper – newspapers, unsolicited mail, cereal boxes w/o liners – in one container.
- Cardboard – corrugated cardboard for example a box a microwave, refrigerator, etc. come in. Heavy cardboard usually brown, with ridged layer sandwiched between two flat sheets. Must be flattened or broken down and no longer by 3 ft. x 3 ft., can be put into a container (not a box) or bound with string or tape.
- You can use your old trash barrels for recycling

For more information on Trash and Recycling please refer to www.tewksbury.info/recycle or call the Town Manager's Office 978-640-4300

Also stay tuned to Channel 10 (Comcast) or Channel 33 (Verizon) for more Town related information

THANK YOU FOR YOUR PATIENCE AND COOPERATION.

GLOSSARY OF TERMS

Town Meeting:

A duly called meeting in which all Town of Tewksbury registered voters are eligible to participate to act upon fiscal issues, zoning changes, by-law amendments, and other matters affecting the Town. Each voter has one vote in the decision making process.

The Annual Town Meeting is held each May to decide issues for the fiscal year starting July first. Special Town Meeting(s) may be called at other times, to address issues that cannot wait for the next Annual Town Meeting, a Special Town Meeting is called by the Board of Selectmen; or by a petition of 200 registered voters.

Warrant:

Public notice of business to be considered at the Town Meeting. It is publicly posted in each Precinct throughout the Town. The Warrant is mailed to each dwelling in the Town in which a registered voter resides and describes all of the Articles which will be acted upon at the Town Meeting.

Article(s):

Individual subjects are described in the articles so that all voters are warned of potential action to be taken. The scope of each article sets the bounds of action that may be taken. Articles are submitted by the Town Departments or by voter petitions. Articles submitted by voter petitions require ten (10) or more registered voters signatures for insertion in the Annual Town Meeting Warrant, and one hundred (100) or more registered voters signatures for insertion in a Special Town Meeting Warrant.

General Information:

The Moderator presides at the Town Meeting and is responsible for the ruling on procedural matters, overseeing an orderly debate, announcing the result of all votes and preserving decorum.

The proceedings are governed by Town Meeting Time, a handbook of parliamentary law prepared under the auspices of the Massachusetts Moderators Association. This guide may be simpler and easier to understand than the more widely known and consulted Robert's Rules of Order. Copies are available for reference at the Town Clerk's Office, Board of Selectmen's Office and the Tewksbury Public Library.

Registered voters are entitled to attend, address and vote at the Meeting. Visitors may attend the meeting and shall sit in the "reserved for visitors" section.

A voter desiring to speak should approach the microphone, await recognition by the Moderator, and identify him or herself when recognized by name and address.

Motions, Motions to Amend, and Votes Required:

An Article in the Warrant states a question for the Town Meeting voters to answer. Separate issues are described in the Town Meeting Articles so that all voters are warned of potential action to be taken. The scope or intent of each Article set the bounds of action that may be taken.

Customarily the Finance Committee Chairman makes the first or Main Motion or if the Article relates to the Zoning By-Law the Planning Board Chairman will make the first or Main Motion. The sponsor or Petitioner of an article also may make the first or Main Motion.

The Motion is then open for discussion by the assembly.

Motions to Amend the Main Motion, which is within the scope or intent of the Article, may be made on the Town Meeting floor.

Ordinarily motions require a majority vote of the voters present and voting for an Article to pass. Certain motions require a 2/3, 4/5 or a 9/10 vote to pass because of the provisions of the Town By-Laws or Massachusetts General Laws. The Moderator will announce the voting requirement before each vote requiring more than a majority vote.

Motions For Indefinite Postponement of an Article:

A motion to Indefinitely Postpone an Article is equivalent to a motion to take no action on the Article. If the Motion to Indefinitely Postpone the Article is Adopted; the Article is defeated.

Reconsideration of an Article:

No vote on a prior Article shall be Reconsidered except to correct a procedural defect, scrivener's error or an oversight. Reconsideration for the above exceptions requires a majority vote.

Move the Question:

The voters have heard all the discussion that they wish to hear on the pending Article and prefer to vote at once.

The Moderator shall allow those presently standing, at the time of the motion, the opportunity to be heard and then he or she will take the vote to Move the Question.

Rules to Govern Speakers:

No voter shall speak twice on any one subject, if any other voter who has not spoken already and is standing to be recognized by the moderator. No voter shall speak for more than five minutes at one time, except by vote of permission of the assembly.

CAR.-RT.
PRESORT
BULK RATE
U.S. POSTAGE
PAID
Tewksbury, MA
PERMIT NO. 33

RESIDENTIAL CUSTOMER
RURAL ROUTE BOX HOLDER

PLEASE TAKE THIS WARRANT
WITH YOU TO TOWN MEETING